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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 340th MEETING

Held at Headquarters, New York,
on Friday, 19 April 1991 at 10.30 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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The meeting was called to order at 11.15 a.m.

GENERAL DEBATE (continued)

1. Mr. KATSIGAZI (Uganda), referring to the letter from the Chairman of the Committee on Conferences regarding the Ad Hoc Committee's purported failure to make full use of conference facilities, pointed out that a large part of the Ad Hoc Committee's work, like that of the Security Council, took place in informal consultations. Accordingly, in assessing the efficiency of the use of facilities, account should be taken of the time required for those consultations.

2. His delegation supported the position expressed by the representative of Sri Lanka as Coordinator of the Group of Non-Aligned States. In the Group's view, the 1971 Declaration on the Indian Ocean was a historical statement which was still valid today, and would continue to serve as a point of reference for Uganda in the process of preparation for the United Nations Conference on the Indian Ocean to take place in Colombo in 1992.

3. The CHAIRMAN drew attention to the vacancy among the Ad Hoc Committee's officers occasioned by the unification of the German Democratic Republic and the Federal Republic of Germany in 1990. He invited members of the Committee to consider the filling of that vacancy, bearing in mind that the State in question needed to apply for membership in the Committee and that the final decision was subject to confirmation by the General Assembly.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77

4. The CHAIRMAN drew attention to the texts of rules 31, 50, 51 and 51 (bis) that had been distributed and, with reference to rule 50, proposed that the new paragraph 2 should be deleted, since a similar provision appeared in rule 49.

5. Mr. BANDARA (Sri Lanka) said that that was acceptable.

6. Ms. COURTNEY (Australia) noted a number of inconsistencies in the proposed texts of rules 50 and 51 (bis) which needed to be resolved. In her view, it should be decided once and for all whether the participants in the Conference were to adopt a final declaration, whether, in the absence of consensus, agreement could be reached to adopt it by means of a vote, and whether it should automatically be included in the text of the final report.

7. Mr. BANDARA (Sri Lanka) pointed out that it was impossible at the present stage to decide whether the Declaration would be adopted by consensus or by means of a vote. At the same time, he hoped that consensus could be reached.

8. Mr. JAIN (India) said that if amendments were to be introduced into the proposed texts of rules 50 and 51 (bis), that should be done on the understanding that the words included between square brackets in rule 32, paragraph 1 in document A/AC.159/L.61 would be retained.

9. Ms. COURTNEY (Australia), referring to the relationship between the provisions contained in the proposed text of rules 50 and 51 bis and 31, disagreed with the representative of Sri Lanka that it was impossible at present to decide whether a vote would take place on the final declaration or whether it must be adopted by consensus. That was precisely the issue now under discussion. Her delegation considered that if a final declaration on the establishment of a zone of peace in the Indian Ocean was drawn up, most States would not be able to accept that it should be put to a vote. Such a serious matter required the support of all States of the region and, as necessary, of those outside its limits. The establishment of a zone of peace would be meaningful only if consensus existed among all parties concerned. Accordingly, in her delegation's view, the final report, or that part of it incorporating the final declaration, should be adopted by consensus. It should also be borne in mind in that connection that, as the practice of previous conferences showed, if there was no consensus on issues of substance, there was also no final declaration - the final report was simply adopted.

10. Mr. CURE (Mauritius) said that if the final declaration was included in the report of the Conference, then in accordance with the provisions of rule 31, paragraph 1, in the absence of consensus the substantive parts of the report, and hence also the final declaration, would be put to the vote. Thus, if rule 31 was adopted, the final declaration would have to be adopted by means of a vote. In his view, a consensus document would much more significantly advance the establishment of a zone of peace.

11. Mr. JAIN (India) said he had no objection to the idea of including the final declaration in the final report, and hoped that the Conference would be successful and would adopt final documents which would lay the foundations for the further work of the Ad Hoc Committee. However, he saw the issue not as a procedural one, but as one of substance. Furthermore, he was not sure whether the rules of procedure should stipulate the necessity of adopting a final document, and suggested that the representative of Sri Lanka be given an opportunity to explain the proposal submitted by his delegation.

12. Mr. BANDARA (Sri Lanka) said that the General Assembly had instructed the Committee to complete the preparatory work, which entailed drafting the rules of procedure for the Conference. In so doing, it must be assumed that the Conference would be held and that, as was expected, a final document or declaration would be adopted. Obviously, there were certain differences of opinion in the course of the preparatory work, but the members of the Committee were doing everything possible to reduce those disagreements to a minimum and arrive at consensus. That was why his delegation had proposed the amendments in question, and while certain drafting changes could be made in them, they could scarcely be rejected outright.

13. Mr. AMBEYI-LIGABO (Kenya) said he did not agree with those representatives who assumed that the Conference would not reach consensus on the final declaration. There was no justification for that view. Committee members had indicated that they were making every effort to ensure that such important matters as the adoption of the declaration were decided by consensus. It was on that basis that consideration had been given to the wording included in rule 50. Although there were indeed differing national interests, they should be viewed in a broader context. Members of the Committee, and particularly the representatives of India and Australia, should therefore show a positive attitude in discussing the Sri Lankan proposal.

14. Mrs. MULAMULA (United Republic of Tanzania) said that her delegation supported the provisions of rule 50, since its main purpose was to ensure that documents of the Conference were published in the languages of the Conference, and not to incorporate the final document in the report of the Conference.

15. Her delegation found the text of rule 51 (bis) fully acceptable; however, it would appear desirable to include it in rule 15 on the report of the Conference, in the section dealing with the conclusions of the Conference.

16. Ms. COURTNEY (Australia) said that she wished to clarify the position of her delegation since it had been stated in the course of the meeting that Australia admitted the possibility of consensus not being reached. On the contrary, her delegation assumed that any final document or declaration of the Conference would be adopted by consensus. If it was not possible to reach a consensus on a final declaration, there would be no point in holding the Conference. That was why her delegation had proposed that the members of the Committee should agree that consensus must be reached on the part of the Conference's report which contained the final document.

17. Her delegation had already pointed out that rules 50 and 51 (bis) were interrelated and that there were a number of discrepancies in the wording of those two rules; the parts dealing with decision-making were also interrelated. Australia did not object to the wording of rule 51 and proposed that, in the first sentence of rule 51 (bis), the words "shall ... adopt" should be replaced by "may ... adopt" and, in the second sentence, the word "may" should be replaced by "should".

18. Mr. SHA ZUKANG (China) said that his delegation had no objections either to the original wording of rule 50 or to the Sri Lankan proposal. At the same time, the rules of procedure should not give a different interpretation of matters of substance which had already been agreed upon in connection with the provisional agenda for the Conference. The point at issue was the objectives of the Conference.

19. Referring to items 12, 13, 14 and 15 of the draft provisional agenda for the Conference, which the Committee had discussed at its July 1990 session, he said that the report of the Conference, referred to in item 15, should include the results of measures undertaken in accordance with items 12, 13 and 14, in

(Mr. Sha Zukang, China)

particular with respect to the ways and means and the programme of action for completing work on an international agreement and for taking other practical measures to maintain the Indian Ocean as a zone of peace. All such measures should be duly reflected in the Conference's report; the form of the final document was not essential. Therefore, his delegation did not insist on either the adoption or the rejection of the Sri Lankan proposal.

20. He fully supported the proposal made by the representative of Australia regarding editorial amendments to rule 51 (bis).

21. Mr. JAIN (India) said that the views which members of the Committee had expressed were based on a common approach; however, some misunderstanding had arisen as a result of the misinterpretation of individual remarks. All delegations, agreed, of course, that the Conference must be a success. It was therefore essential to resolve matters of substance, including the question of the final document, and it was preferable that that should be done by consensus.

22. The rules of procedure as a whole did not contain any provisions which excluded the possibility of adopting a final document or declaration. Rules 50 and 51 as contained in document A/AC.159/L.61 could be interpreted positively as allowing for all such possibilities. While he wholeheartedly supported efforts to make the rules of procedure more concrete, he pointed out that, in so doing, matters of substance would be affected.

23. He drew attention to certain inconsistencies in the wording of rules 50 and 51 (bis). Paragraph 1 of rule 50 used the expression "would contain". The first sentence of rule 51 (bis) used the words "shall ... adopt", and the second sentence of that rule contained the words "may form a part". Most likely the authors of the sentence had not been quite sure of the need for those provisions, otherwise there would have been no difference in the mood of the verbs. In point of fact, the proposed wording of paragraph 1 of rule 50 depended on that of paragraph 51 (bis).

24. It was not advisable to adopt the editorial amendments to rule 51 (bis) proposed by the representative of Australia since, even if no specific reference was made, under the rules of procedure the Conference's final report could include any agreed documents such as a final document, a declaration and so on. If rule 51 (bis) made specific reference to a declaration, that would not prevent the Conference from adopting any other documents or decisions.

25. In the first sentence of rule 51 (bis), the phrase "at the final stage of its work", seemed ambiguous. It was unclear whether that phrase referred to the final stage of the work of the Conference to be held at Colombo, or to the final stage of the Conference on the Implementation of the Declaration of the Indian Ocean as a Zone of Peace which, according to the proposal made by the non-aligned countries, involved three stages. However, that sentence had not yet been considered or agreed upon by the Committee.

(Mr. Jain, India)

26. There was no doubt that the Conference's declaration would be included in its final report. It seemed, therefore, that there was no major discrepancy between the wording of rule 51 (bis), which stated that the declaration "may form a part of the final report", and that of rule 50, which used the words "would contain".

27. He agreed with the representative of China that the rules of procedure should not reflect such matters of substance as the objectives of the Conference, which had already been agreed upon in connection with the provisional agenda. It was therefore not necessary to incorporate the proposed amendments in the rules of procedure.

28. Mr. BANDARA (Sri Lanka) said that he did not object to the proposal made by the representative of Australia according to which the words "shall ... adopt" would be replaced by "may ... adopt" and the word "may" would be replaced by the word "should", nor did he object to the deletion of the phrase "at the final stage of its work" in the first sentence of rule 51 (bis).

29. The CHAIRMAN wished to know whether rule 50 should remain as it appeared in document A/AC.159/L.61, in which case there would be no need for rule 51 (bis). He also wished to know whether the representative of India agreed with the changes proposed by the representative of Sri Lanka.

30. Mr. JAIN (India) said that he agreed with the general thrust of the observations made by the representative of Sri Lanka, but he expressed some doubt as to the appropriateness of incorporating the proposed amendments in the rules of procedure. The decision regarding the documents to be adopted at the Conference should be taken by the participants before and during the Conference. The substitution of the words "may ... adopt" for "shall ... adopt" would add nothing to the rules of procedure and would only introduce matters of substance, which should not be included in those rules.

31. The CHAIRMAN said that, unlike the representatives of Sri Lanka, Kenya, Tanzania and China, the representative of India did not consider it advisable to include the proposed text in the rules of procedure, and he called upon the members of the Committee to express their views on ways of ending the current deadlock since it had been agreed that decisions would be adopted by consensus and, consequently, the matter could not be put to a vote.

32. Ms. COURTNEY (Australia) said that it had been assumed from the very beginning that the text of the rules of procedure would not be finalized as long as there continued to be fundamental differences which could be resolved only when delegations received the instructions from their Governments; that would require a great deal of time. Moreover, the differences could be overcome only when the form and nature of the Conference were known. She therefore proposed that the Committee should proceed to a discussion of other aspects of the draft rules of procedure and that rules 50 and 51 (bis) should be placed in square brackets and discussed at a later stage.

33. Mr. JAIN (India) said that significant progress had been made in discussing the draft rules of procedure and hoped that the work on the draft rules could be completed. Since there were 14 rules still to be discussed, he proposed that informal consultations should be held on those rules with the participation of the Friends of the Chairman.

34. The CHAIRMAN said that he was not opposed to holding informal consultations with the participation of all interested parties after the end of the meeting and suggested that the Committee should move on to draft rule 31.

35. Mr. BANDARA (Sri Lanka) said that he also welcomed the idea of discussing, within the framework of informal consultations, the merits and shortcomings of the draft rules of procedure and drew the attention of the members of the Committee to two proposals by Sri Lanka, which were contained in document A/AC.159/1985/CRP.2 and concerned the addition, after section XI, of a new rule entitled "General rights of participation", and also draft rule 62 in section XII. He requested the Committee to take the proposals by Sri Lanka into consideration.

36. The CHAIRMAN took note of the proposals by Sri Lanka and asked the Committee to express its views on how to proceed further.

37. Mr. JAIN (India) proposed that the Committee should consider the two proposals by Sri Lanka and then hold informal consultations. He pointed out that the delegation of India supported the proposal to include a section on general rights of participation.

38. The CHAIRMAN said that, since draft rules 50, 51 bis, 16 and 31 had been discussed thoroughly, the Committee should await the results of the informal consultations on those rules and in the meantime proceed to the consideration of the proposals contained in document A/AC.159/1985/CRP.2.

39. Ms. COURTNEY (Australia) asked the representative of Sri Lanka to explain the reasons for including those provisions in the draft provisional rules of procedure.

40. Mr. BANDARA (Sri Lanka) said that the inclusion of new provisions after section XI was necessary because that section dealt with other participants and observers, but did not stipulate how and when they might make statements. It was therefore desirable to state what they could and could not do since, otherwise, the situation might get out of control if someone else, other than a full member, asked to speak and thereby placed the Chairman in a difficult position.

41. The CHAIRMAN asked whether anyone wished to comment on that statement. If he heard no objection, he would take it that the Committee was not opposed to those proposals.

42. Ms. COURTNEY said that she did not at that time have the text of the proposal by the delegation of Sri Lanka and it would be difficult for her to take any decision on it. Furthermore, as she had stated earlier, the Australian delegation had a number of reservations concerning section VII on "Decision-making". Since she did not have instructions from her Government, she could not express any view on that matter.

43. The CHAIRMAN said that the Committee took note of the remarks and reservations expressed by the representative of Australia and would consider that all the members of the Committee, with the exception of the representative of Australia, who had expressed reservations, supported the proposal by the delegation of Sri Lanka.

44. Ms. COURTNEY said that earlier she had proposed placing all of section VII in square brackets. That should also be done with regard to the proposal of the delegation of Sri Lanka.

45. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee supported the proposal of the representative of Australia to place all of section VII on "Decision-making" in square brackets.

46. Mr. BANDARA (Sri Lanka) requested the Chairman to note that, except for the representative of Australia, none of the members of the Committee had any objections with regard to that section.

47. Mr. AMBEYI-LIGABO (Kenya) said that, although he recognized the right of any delegation to express reservations about various matters and also to make the comments which it considered necessary, he nevertheless felt that, although the Committee was generally making progress in its work, at the same time it was returning to the consideration of certain questions. If there was no progress in the work of the Committee because some members had reservations about questions that had already been under discussion for many years and if the Committee continued to postpone the consideration of some questions because of reservations or the lack of instructions from a Government, it would require a very great deal of time to discuss the questions before it. There must be a clear understanding of what the Committee's task was.

48. Mr. JAIN (India) said that he supported the view expressed by the representative of Kenya and that the Committee should do its utmost to complete its work. At its previous session, the Committe had worked on the draft agenda of the Conference, guided by that positive spirit. His delegation was pleased that no delegation had made any comments during the adoption of the draft agenda of the Conference. The preparatory work for the Conference had already taken six years and, in his view, delegations had had ample time to consider their positions and receive the necessary instructions. The delegation of India supported the approach suggested by the delegation of Kenya and was actively participating in the work of reaching agreement on the draft rules of procedure.

49. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee supported the proposal to include, after section XI, a new rule, taking into account the fact that the representative of Australia had expressed a number of reservations.

50. Mr. BANDARA (Sri Lanka) pointed out that in document A/AC.159/1985/CRP.2, his delegation had proposed a further amendment, which concerned draft rule 62. Since that proposed amendment related to draft rules 31 and 32, the discussion of which had not yet concluded, he proposed that the Committee should consider it later.

51. Mr. JAIN (India) said that, although the proposal by Sri Lanka also related to draft rules 31 and 32, it was essentially a new provision. The Committee could try to consider it before the end of the meeting, but before that was done, consultations could be held with delegations to learn their views. That would facilitate the work of the Chairman. The delegation of India had no objections to the proposal by Sri Lanka.

52. Mr. MAHMOOD (Pakistan) asked the representative of Sri Lanka to explain what status the draft rule proposed by his delegation would have after the consideration of draft rules 31 and 32.

53. Mr. BANDARA (Sri Lanka) said that since draft rules 31 and 32 had not yet been considered and since it was not known in what form they would be adopted, he could not at that stage say what status the draft rule proposed by his delegation would have.

The meeting rose at 1 p.m.